IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 2109 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/07/2004 in WP NO: 6872 OF 1994 on the file of the High Court.)

Between:

The Executive Officer Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.

..... APPELLANT

AND

1 The Board of Trustees, rep. by its Chairman, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
2 B.Tulasiraman, Physical Director Sri Venkateswara High Secondary School Vellore, North Arcot District, Tamilnadu State.
3 G.Govindarajulu Reddy S/o.Sangireddy, R/o.No.7, 4th Cross, Gandhi Nagar West, Vellore-4, Tamilnadu.

.....RESPONDENTS

Counsel for the Appellant :MR.A.RAMALINGESWAR RAO

Counsel for the 1st & second respondent: None appeared.

Counsel for the third Respondent : MR.NOUSHAD ALI

The Court made the following :

JUDGMENT : (Per the Honourable Smt. Justice T.Meena kumari)

This writ appeal is filed by the 2nd respondent-appellant herein aggrieved by the order in W.P. No: 6872 of 1994, under which the learned single Judge allowed the said writ petition.

W.P. No: 6872 pf 1994 has been filed by the writ petitioner-3rd respondent herein seeking to declare the orders of the 2nd writ respondent-appellant herein dated 19-3-1994 passed in Roc.No.D4/71700/85 and the resolution No.879, dated 23/24/12/1993 passed by the first writ respondent as illegal, arbitrary, and violative of principles of natural justice.

The learned single Judge having observed that reverting the writ petitioner-3rd respondent herein without holding any enquiry and without giving him any opportunity is illegal and the said order is against the principles of natural justice, allowed the writ petition. Having aggrieved by the same, the present writ appeal is preferred by the 2nd writ respondent-appellant herein.

Heard the learned counsel.

It is contended by the learned counsel for the appellant that the promotion of the 3rd respondent herein is only temporary and subject to reversion at any time and therefore, in view of the reinstatement of the 2nd respondent herein, the 3rd respondent was reverted to his original post. As such, there was no need to conduct any enquiry in this regard.

On the other hand, it is contended by the learned counsel for the 3rd respondent that in view of the reinstatement of 2nd respondent, the 3rd respondent has been reverted back to his original post and therefore, it is illegal.

We have perused the order impugned. In the instant case, the promotion in question has been given to the 3rd respondent in the existing vacancy on a temporary basis. When the 2nd respondent has been reinstated in his post,

automatically, the 3rd respondent has to be reverted to his original post. The exercise of filling up of the vacancy by way of temporary promotion, is nothing but an administrative arrangement for smooth running of the administration and therefore, We cannot accept the contention of the learned counsel for the 3rd respondent that the 3rd respondent has been reverted to his original post without affording any opportunity to him or conducting any enquiry.

In the facts and circumstances of the case, we do not find any reason for conducting any enquiry as the order impugned is not a punishment in this case but however while setting aside the order of the learned single judge, we direct the appellant to consider the case of the third respondent for promotion as and when vacancy arises if he is otherwise eligible.

Subject to the above observation, the writ appeal is allowed. No costs.

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Justice T.Meena kumari

23rd December, 2004

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justice S.Ananda Reddy

Dvs/Gurc.

Copies to:

1. The Executive Officer Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.

2 The Chairman, Board of Trustees, Tirumala Tirupathi Devasthanams, Tirupathi, Chittoor District.
3. Two CD copies.

THE HONOURABLE SMT. JUSTICE T. MEENA KUMARI

&

THE HONOURABLE SRI JUSTICE S.ANANDA REDDY

W.A.NO.2109 OF 2004

(Judgment delivered by

the Honourable Smt. Justice T.Meena kumari)

23rd December, 2004